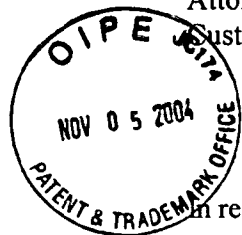


215105

Attorney Docket No.: 215105.01400  
Customer No. 27160

U.S. Patent Application No.  
10/658,528



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Cary James MILLER *et al.*

Application No.: 10/658,528

Filed: September 10, 2003

For: IMMUNOASSAY DEVICE WITH  
IMPROVED SAMPLE CLOSURE

:  
:  
Group Art Unit: 1641  
:  
Examiner: Not Yet Assigned  
:  
Confirmation No.: 1959  
:  
Atty. Dkt. No.: 215105.01400

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 5, 2004

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. §1.56 and in accordance with the practice under 37 C.F.R. §§1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Forms PTO/SB/08A and PTO/SB/08B. In accordance with current practice, copies of any listed U.S. Patent Documents are not being provided.

**FORMAL MATTERS**

In accordance with 37 C.F.R. § 1.97(b)(3), since a first Official Action on the merits of the subject application has not yet been issued, neither a certificate, petition nor payment of a fee is believed to be required for this Information Disclosure Statement. However, the Commissioner is hereby authorized to charge any fee which may be required in connection with this paper to Deposit Account No. 50-1710.

Attorney Docket No.: 215105.01400  
Customer No. 27160

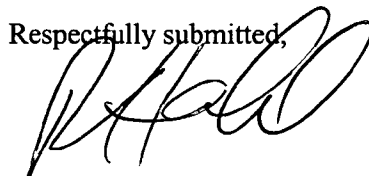
U.S. Patent Application No.  
10/658,528

CONCLUSION

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Forms PTO/SB/08A and PTO/SB/08B be returned indicating that such information has been considered.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

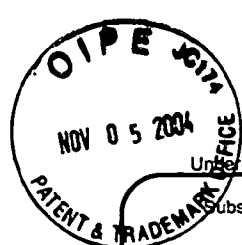
Respectfully submitted,



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Patent Administrator  
KATTEN MUCHIN ZAVIS ROSENMAN  
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(202) 625-3500



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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/658,528
Filing Date	September 10, 2003
First Named Inventor	Cary James MILLER
Art Unit	1641
Examiner Name	Not Yet Assigned
Attorney Docket Number	215105.01400

Sheet 1 of 3

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1	US- 5,096,669	03/17/1992	LAUKS et al.	
	2	US- 5,628,961	05/13/1997	DAVIS et al.	
	3	US- 5,447,440	09/05/1995	DAVIS et al.	
	4	US- 5,821,399	10/13/1998	ZELIN	
	5	US- 5,807,752	09/15/1998	BRIZGYS et al.	
	6	US- 4,997,526	03/05/1991	ROBBLEE	
	7	US- 4,830,959	05/16/1989	McNEIL et al.	
	8	US- 5,200,051	04/06/1993	COZZETTE et al.	
	9	US- 5,112,455	05/12/1992	COZZETTE et al.	
	10	US- 5,063,081	11/05/1991	COZZETTE et al.	
	11	US- 6,478,938	11/12/2002	PAEK et al.	
	12	US- 6,436,699	08/20/2002	BERGGREN et al.	
	13	US- 3,853,467	12/10/1974	GIAEVER	
	14	US- 6,106,778	08/22/2002	OKU et al.	
	15	US- 6,475,372	11/05/2002	OHARA et al.	
	16	US- 4,686,479	08/11/1987	YOUNG et al.	
	17	US- 5,081,063	01/14/1992	VONNO et al.	
	18	US- 6,030,827	02/29/2000	DAVIS et al.	
	19	US- 2003-0059954	03/27/2003	VIKHOLM et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	20	JP 7-260782 A	10/13/1995	Shionogi & Co., Ltd.		
	21	JP 5-273212 A	10/22/1993	Pola Chem Ind. Inc.		
		ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /LA/				

Examiner Signature	/Lyle Alexander/	Date Considered	03/04/2008
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND

TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

**(Use as many sheets as necessary)**

**Complete if Known**

Application Number	10/658,528
Filing Date	September 10, 2003
First Named Inventor	Cary James MILLER
Art Unit	1641
Examiner Name	Not Yet Assigned
Attorney Docket Number	215105.01400

Sheet	2	of	3
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## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

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		Country Code <sup>3</sup> *Number <sup>4</sup> *Kind Code <sup>5</sup> (if known)				
ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /LA/						

Examiner Signature	/Lyle Alexander/	Date Considered	03/04/2008
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Art Unit	1641
Examiner Name	Not Yet Assigned
Attorney Docket Number	215105.01400

Sheet	3	of	3
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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	34	Eddowes, M. J., "Direct Immunochemical Sensing: Basic Chemical Principles and Fundamental Limitations", Biosensors, 3: 1-15, 1987.	✓
	35	Laurell, C. B., "Electroimmunoassay", Methods in Enzymology, vol. 73, Academic Press, New York, 339, 340, 346-348, 1981.	✓
	36	Green, M. J., "Electrochemical Immunoassays", Phil. Trans. R. Soc. Lond., 316: 135-142, 1987.	✓
		ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /LA/	

Examiner Signature	/Lyle Alexander/	Date Considered	03/04/2008
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